

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: FRESH AND PROCESS POTATOES
ANTITRUST LITIGATION**

MDL No. 2186

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

On October 13, 2010, the Panel transferred 1 civil actions to the United States District Court for the District of Idaho for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* (J.P.M.L. 2010). Since that time, no additional actions have been transferred to the District of Idaho. With the consent of that court, all such actions have been assigned to the Honorable B. Lynn Winmill.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of Idaho and assigned to Judge Winmill.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. §1407 to the District of Idaho for the reasons stated in the order of October 13, 2010, and, with the consent of that court, assigned to the Honorable B. Lynn Winmill.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Idaho. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Nov 02, 2010

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel



Certified to be a true and correct
copy of original filed in my office.

Elizabeth A. Smith, Clerk
U.S. Courts, District of Idaho

By Carrie McMahan
on Nov 03, 2010 8:21 am

**Carrie
McMahan**

Digitally signed by Carrie
McMahan
DN: cn=Carrie McMahan, o=U.S.
Courts, ou=Case Administration,
email=Carrie_McMahan@id.
uscourts.gov, c=US
Date: 2010.11.03 08:21:51 -06'00'

**IN RE: FRESH AND PROCESS POTATOES
ANTITRUST LITIGATION**

MDL No. 2186

SCHEDULE CTO-1 – TAG-ALONG ACTIONS

<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
CALIFORNIA NORTHERN			
CAN	3	10-03954	Sergio Marvilla v. United Potato Growers of Idaho, Inc., et al.
CAN	3	10-03984	Martha Florez v. Idahoan Foods, LLC, et al.
VERMONT			
VT	2	10-00244	Heiden et al v. United Potato Growers of America, Inc. et al
WISCONSIN EASTERN			
WIE	2	10-00851	Rizzo et al v. United Potato Growers of America Inc et al

United States Courts

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Elizabeth A. Smith
Court Unit Executive

Carrie McMahan
Deputy Clerk

November 3, 2010

Richard W. Wicking, Clerk of Court
United States District Court
Northern District of California
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

RE: MDL No.2186, In Re: Fresh and Process Potatoes Antitrust Litigation

Transfer Order No. 38 filed 11/02/2010

Dear Clerk of Court:

Attached is a certified copy of Transfer Order No.38 from the Judicial Panel on Multidistrict Litigation ordering the transfer of two cases currently pending in your district: *Sergio Marvilla v. United Potato Growers of Idaho, Inc, et al*, Northern California Case No. 3:10-cv-03954 and *Martha Florez v. Idahoan Foods, LLC et al*, Northern California Case No. 3:10-cv-03984. Pursuant to this order, *Sergio Marvilla v. United Potato Growers of Idaho, Inc, et al*, California Case No. 3:10-cv-03954 and *Martha Florez v. Idahoan Foods, LLC et al*, California Case No. 3:10-cv-03984 must be transferred to the District of Idaho.

Please file the attached, certified copy of the Transfer Order in the affected case, and close the case.

Please transmit the record of this case to the District of Idaho using the CM/ECF Transfer utility. Our transfer email is Interdistricttransfer_IDD@id.uscourts.gov.

If you have any questions, please feel free to contact me by email at Carrie_McMahan@iduscourts.gov or by telephone at 208-334-9397.

Respectfully,

/s/

Carrie McMahan

Attachment: Certified Copy of TO No.38

cc: Judicial Panel on Multidistrict Litigation